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SCHEDULES

SCHEDULE 13

COMMUNITY SERVICE ORDERS—RECIPROCAL ARRANGEMENTS

PART III

RECIPROCAL ARRANGEMENTS (NORTHERN IRELAND)— PERSONS RESIDING IN ENGLAND AND WALES OR SCOTLAND

Making an amendment of community service orders relating to persons residing in England and Wales

- 7 (1) Where a court in Northern Ireland considering the making of a community service order is satisfied that the offender resides, or will be residing when the order comes into force, in England or Wales, [^{F1}Part II of the Criminal Justice (Northern Ireland) Order 1996 shall have effect as if the following were substituted for Article 13(4)—
- “(4) A court shall not make a community service order in respect of any offender unless the offender consents and—
- (a) the court is satisfied after hearing (if the court thinks it necessary) a probation officer, that the offender is a suitable person to perform work under such an order; and
 - (b) it appears to the court that provision for the offender to perform work under such an order can be made under the arrangements for persons to perform work under [^{F2}an unpaid work requirement of a community order under section 177 of the Criminal Justice Act 2003 or youth rehabilitation order under section 1 of the Criminal Justice and Immigration Act 2008] which exist in the [^{F3}local justice area] in England and Wales in which he resides or will reside.”]

(2) Where a community service order has been made by a court in Northern Ireland and—

 - (a) a court of summary jurisdiction acting for a petty sessions district in Northern Ireland for the time being specified in it is satisfied that the offender proposes to reside or is residing in England or Wales;
 - (b) it appears to that court that provision can be made for him to perform work under the community service order under the arrangements for persons to perform work under [^{F4}an unpaid work requirement of a community order [^{F5}or a youth rehabilitation order]^{F6}...] which exist in the [^{F7}local justice area] in England or Wales in which he resides or will reside,

it may amend the order by specifying that the unpaid work required to be performed by the order be so performed.

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- (3) ^{F8}An adult community service order] made or amended in accordance with this paragraph shall—
- (a) specify the ^{F9}local justice area] in England or Wales in which the offender resides or will be residing when the order or the amendment comes into force; and
 - (b) require the ^{F10}local probation board for that area (established under section 4 of the Criminal Justice and Court Services Act 2000) ^{F11}or a provider of probation services operating in that area] to appoint or assign an officer of the board]^{F12}or provider (as the case may be)] who will discharge in respect of the order the functions in respect of ^{F13}community orders ^{F14}... conferred on responsible officers ^{F15}by Part 12 of the Criminal Justice Act 2003].
- ^{F16}(4) A youth community service order made or amended in accordance with this paragraph shall—
- (a) specify the local justice area in England or Wales in which the offender resides or will be residing when the order or the amendment comes into force; and
 - (b) require—
 - (i) the local probation board for that area established under section 4 of the Criminal Justice and Court Services Act 2000 or (as the case may be) a provider of probation services operating in that area, or
 - (ii) a youth offending team established under section 39 of the Crime and Disorder Act 1998 by a local authority for the area in which the offender resides or will be residing when the order or amendment comes into force,
 to appoint a person who will discharge in respect of the order the functions in respect of youth rehabilitation orders conferred on responsible officers by Part 1 of the Criminal Justice and Immigration Act 2008.
- (5) The person appointed under sub-paragraph (4)(b) must be—
- (a) where the appointment is made by a local probation board, an officer of that board;
 - (b) where the appointment is made by a provider of probation services, an officer of that provider;
 - (c) where the appointment is made by a youth offending team, a member of that team.]

Textual Amendments

- F1** Words in Sch. 13 para. 7(1) substituted (1.1.1998) by S.I. 1996/3160 (N.I. 24), art. 58(1), **Sch. 5 para. 12(a)**; S.R. 1997/523, **art. 2(i)**
- F2** Words in Sch. 13 para. 7(1) substituted (30.11.2009) by **Criminal Justice and Immigration Act 2008 (c. 4)**, s. 153(7), **Sch. 4 para. 27(2)** (with **Sch. 27 paras. 1, 5**); S.I. 2009/3074, art. 2(p)(v)
- F3** Words in Sch. 13 para. 7(1) substituted (1.4.2005) by **The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886)**, art. 1, **Sch. para. 42(a)**
- F4** Words in Sch. 13 para. 7(2)(b) substituted (4.4.2005) by **Criminal Justice Act 2003 (c. 44)**, s. 336(3)(4), **Sch. 32 para. 36(2)(a)**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 42(17)** (with **Sch. 2**) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by **2008 c. 4**, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by **2012 c. 10**, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

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- F5** Words in Sch. 13 para. 7(2)(b) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 27(3)(a)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(v)
- F6** Words in Sch. 13 para. 7(2)(b) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 4 para. 27(3)(b), **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(u)(v)
- F7** Words in Sch. 13 para. 7(2)(b) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 42(a)**
- F8** Words in Sch. 13 para. 7(3) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 27(4)(a)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(v)
- F9** Words in Sch. 13 para. 7(3)(a) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 42(a)**
- F10** Words in Sch. 13 para. 7(3)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 para. 71**; S.I. 2001/919, **art. 2(f)(ii)**
- F11** Words in Sch. 13 para. 7(3)(b) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 6(2)(a)**
- F12** Words in Sch. 13 para. 7(3)(b) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 6(2)(b)**
- F13** Words in Sch. 13 para. 7(3)(b) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 36(2)(b)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(17) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F14** Words in Sch. 13 para. 7(3)(b) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 4 para. 27(4)(b)(i), **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(u)(v)
- F15** Words in Sch. 13 para. 7(3)(b) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 27(4)(b)(ii)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(v)
- F16** Sch. 13 para. 7(4)(5) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 27(5)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(v)

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